

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

NOEL L. BROWN, et al.	:	
	:	
Plaintiffs	:	CIVIL ACTION NO. 3:18-155
	:	
v.	:	(MANNION, D.J.)
	:	(ARBUCKLE, M.J.)
WAYNE COUNTY	:	
PENNSYLVANIA, et al.	:	
	:	
Defendants	:	
	:	

ORDER

The present case was filed by five *pro se* plaintiffs, four, of which, have the last name “Brown.” Presently before the court is Magistrate Judge William I. Arbuckle’s report and recommendation (“Report”), which recommends that two plaintiffs, Neija M. Brown and Nyia N. Brown’s claims be dismissed. ([Doc. 28](#)). Neither party has filed objections to Judge Arbuckle’s Report.

When no objections are made to the report and recommendation of a magistrate judge, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed.R.Civ.P. 72\(b\)](#); advisory committee notes; see *also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)

(explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); [M.D.Pa. L.R. 72.31](#).

On April 10, 2019, Judge Arbuckle issued an order directing four of the five *pro se* plaintiffs to either pay the required filing fee to file a complaint or file a motion for leave to proceed *in forma pauperis* by May 10, 2019. ([Doc. 14](#)). The two plaintiffs at issue here, Neija M. Brown and Nyia N. Brown have failed to perform either action as ordered by Judge Arbuckle. As such, this court agrees with the sound reasoning that led Judge Arbuckle to his recommendation that all claims filed by Neija M. Brown and Nyia N. Brown be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1)** Judge Arbuckle's Report ([Doc. 28](#)) is **ADOPTED IN ITS ENTIRETY**;
- (2)** Plaintiffs Neija M. Brown and Nyia N. Brown's claims are **DISMISSED**;
- (3)** The Clerk of Court is directed to **TERMINATE** plaintiffs Neija M. Brown and Nyia N. Brown from this case; and

(4) This case is **REMANDED** to Judge Arbuckle for further proceedings.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATE: July 10, 2019

18-155-01